

REMARKS:

Claims 96-133 are pending in the application. Claims 102 and 112-133 have been withdrawn from consideration. Claims 96 and 100 have been amended to correct typographical errors. Claims 134-151 have been added. Accordingly, claims 96-101, 103-111, and 134-151 are pending in this application.

The Examiner rejected independent claim 96 under 35 U.S.C. § 103 as being unpatentable over Kono et al., U.S. Patent No. 4,766,088 in view of Fujii, et al., U.S. Patent No. 5,470,771. Applicant traverses this rejection. Applicant respectfully submits that because the Examiner has not demonstrated an adequate motivation to combine Kono and Fujii, the Examiner has not established a *prima facie* case of obviousness. Claim 96 recites that “said sixth conductive film and said fifth conductive film having different conductivities” and that “said first conductive film has a conductivity different from the conductivity of said second conductive film.” The Examiner admits that Kono does not teach these limitations. *See* Office Action at 3. However, the Examiner alleges it would be obvious to modify Kono according to Fujii “because in such a way the device will operate more effectively.” *See id.* Applicant respectfully disagrees.

Applicant respectfully submits that Examiner’s stated rationale for combining Kono and Fujii is merely conclusory and falls far short of the “clear and particular” showing required to establish a motivation to combine. *See In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Indeed, the entirety of the Examiner’s reasoning in the present Office Action is that one of ordinary skill in the art would have been motivated, at the time of the invention, to combine Kono and Fujii “because in such a way the device will operate more effectively.” This certainly is not a “clear and particular” showing of

Even assuming there were a motivation to combine the teachings of Kono and Fujii (which Applicant submits is not the case and is certainly not shown to be otherwise by the present Office Action), Applicant submits that the combination would not result in the invention of claim 96. For example, Applicant submits that, at a minimum, the proposed combination of Kono and Fujii would not teach the limitation “said sixth conductive film and said fifth conductive film having different conductivities,” as Fujii fails to teach or suggest a “semiconductor device” having a “first transistor having a composite gate structure” *and* a “second transistor having a single gate structure.” Therefore, for at least this additional reason, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 96.

Applicant thus submits that claim 96 is patentably distinct over the cited references. Furthermore, Applicant submits that dependent claims 97-101 and 103-111, which depend from independent claim 96, are patentably distinct over the cited references for at least the reasons specified for claim 96.

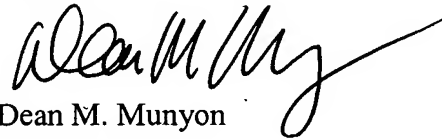
Applicant further submits that newly added claims 134-151 are also patentably distinct over the cited references.

CONCLUSION:

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5957-98500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dean M. Munyon", with a long, sweeping horizontal stroke extending to the right.

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